

(11)
No. 93-6497

Supreme Court, U.S.
FILED
MAR 24 1994
OFFICE OF THE CLERK

In The
Supreme Court of the United States
October Term, 1993

FRANK BASIL McFARLAND,

Petitioner,

v.

JAMES A. COLLINS, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Respondent.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Fifth Circuit

PETITIONER'S SUPPLEMENTAL APPENDIX

*MANDY WELCH
Texas Resource Center
3223 Smith Street
Suite 215
Houston, Texas 77006
(713) 522-5917
fax (713) 522-2733

DOUGLAS G. ROBINSON
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
1440 New York Ave., N.W.
Washington, D.C. 20005
(202) 371-7800
fax (202) 393-5760

*Counsel of Record

Supplement to Appendix C to Reply Brief of Petitioner

§ 2241. Power to grant writ

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

(b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless –

. . . .

(3) He is in custody in violation of the Constitution or laws or treaties of the United States;

§ 2242. Application

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known.

It may be amended or supplemented as provided in the rules of procedure applicable to civil actions.

If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

§ 2243. Issuance of writ; return; hearing; decision

. . . .

The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.
